1949

File No. O Khar Lands 49

Legal Department

A BRANCH

Subject:—

Opinions under the

Bombay Khar Lands

Act 1948.

P. 2
ED

475-A

File No. O. Khar Lands/49

Gen. 194

CONTENTS.

Legal Department File No. C Khar Lands/49

Sr. No.	R.I. /C. No.	Subject	Pages.
		Opinions under the Bombay Khar Lands Act, 1948.	
1.	~~6146~~ ~~1-6-49~~	Repairs to the bund surrounding the Mithanagar Khar Janjira State Mr. Jidanji's Liabrlity	1-2.
2.	~~10984~~ ~~30-9-1949~~	Section 40 Recovery of contribution officer preparing a Scheme under Section 2. 12.	3-7.

EVI: 6/6.

7/c

Office of the R.L.A.

Repairs to the bund surrounding the Mithanagar Khar in Janjir State.

Mr. Aidanji's Liability.

It is open to Government to repudiate the responsibility of repairing the bund undertaken by the Janjira State; but that would not solve the difficulty unless it be legally possible to fix the responsibility on Mr. Aidanji of repairing the bund. It appears that according to the past practice as reported by the Additional Administrator Mr. Aidanji used to carry out repairs and recover Rs. 2-8-0 per acre from the Khatedars. It is not known whether this practice had the legal sanction or was matter of arrangement among the Khatedars. If it be the latter Mr. Aidanji would not be legally liable to carry out the repairs.

The Bombay Khar Lands Act, 1948 has not yet been applied to the area. The question of either recovering the cost of repairing the bund or acquiring the interest of Mr. Aidanji in the Khar lands under that Act is premature.

Sd/- P.M. Lad,

Remembrancer of Legal Affairs.

Submitted for signature

Id/- 1/6.

A.A.S. Id/- 1/6

A.L.R. R.K. 1/6

T.L.A. Why was this changed ub submission?

EVV. 6/6.

12. 6141 dt 15-7-49

Office of the R.L.A.

Recovery of contribution after preparing a scheme under section 12.

Bombay Khar Lands Act, 1948. sec. 40.

Once the Bombay Khar Lands Act, 1948, is applied to this area and the scheme is undertaken by the Board both the landlords and the tenants will have to contribute 60% of the cost. If, Mr. Aidanji refuses to pay his contribution as Khatedar of 212½ acres of land, his share can be recovered as arrears of land revenue under section 40 of the Act. There appears therefore no legal difficulty in applying this Act to the Mithagar Khar and reparing a scheme under section 12 of the Act.

Sd/- P.M. Lad,

Encumbrancer of Legal Affairs.

U. R. to R.D., No. 1084, dated the 30th September 1949.

Submitted for signature.

P.S.N
27/9

R.L.A.

A.L.D. R.K.
29/9 (before issue).

Issued

C.S.P.
30/9.

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